

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

RANDALL BINGHAM, :
: Plaintiff, :
: v. : Case No. 1:08-cv-152 (WLS)
: DARLENE THOMAS, *et al.*, :
: Defendants. :
_____ :

ORDER

Before the Court is a Report and Recommendation from United States Magistrate Judge Thomas Q. Langstaff, filed March 27, 2012. (Doc. 71). It is recommended that Petitioner's 42 U.S.C. § 1983 action be dismissed pursuant to Defendants' Motion to Dismiss for failure to exhaust administrative remedies. (*Id.* at 5-6). Also recommended is the denial of Plaintiff's Motion for Default Judgment. (*Id.* at 6).

The Report and Recommendation provided the Parties with fourteen (14) days¹ from the date of its service to file written objections to the recommendations therein. (*Id.*). The period for filing objections expired on Friday, April 13, 2012; no objections have been filed to date. (See Docket).

Upon full review and consideration of the record, and in view of the absence of an objection on the record, the Court finds that U.S. Magistrate Judge Thomas Q. Langstaff's March 27, 2012 Report and Recommendation (Doc. 71) should be, and hereby is, **ACCEPTED**, **ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated

¹ The Parties were given an additional three days because service was made by mail. *See Fed. R. Civ. P. 6(d)* (adding three days to specified period within which a party may act if service is made under Rule 5(b)(2)(C) by mailing process to a party's last known address).

therein. Accordingly, Defendants' Motion to Dismiss (Doc. 55) is **GRANTED**, and Plaintiff's Motion for Default Judgment (Doc. 51) is **DENIED**. Plaintiff's § 1983 Complaint (Doc. 2) and Amended Complaint (Doc. 5) are therefore **DISMISSED** as to Defendants Allen, Isom, Railey, Rigsby, Scales, and Thomas.

As ordered by Judge Langstaff (*see* Doc. 71 at 7), Plaintiff must show cause by the date ordered within the Recommendation as to why his claims against Defendant Butler should not be dismissed for failure to serve process.

SO ORDERED, this 18th day of April 2012.

/s/ W. Louis Sands

**THE HONORABLE W. LOUIS SANDS,
UNITED STATES DISTRICT COURT**